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2008 JUL -2 PM 3:38

CLERK US DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

BY ______ DEPUTY

KATHLENE W. LOWE (SBN 145404)
KENT J. SCHMIDT (SBN 195969)
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Attorneys for Defendant
NEW ALBERTSONS, INC.

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

RAYMOND W. LONDON, on behalf of Himself and All Others Similarly Situated,

Plaintiff,

vs.

NEW ALBERTSONS, INC.; CERBERUS CAPITAL MANAGEMENT (CALIFORNIA), LLC; and DOES 1 through 25, inclusive,

Defendants.

CASE NO.: 08-CV1173 H CAB

DEFENDANT NEW ALBERTSON'S, INC.'S JOINDER IN AND CONSENT TO REMOVAL; DECLARATION OF DANIEL SALEMI IN SUPPORT THEREOF

Complaint filed: May 29, 2008

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Defendant New Albertson's, Inc. ("Albertsons") hereby joins in and consents to the removal filed by Cerberus Capital Management (California), LLC in this action.

DORSEY & WHITNEY LLP

Dated: July 2, 2008

By: ______________________
KATHLENE W. LOWE
KENT J. SCHMIDT
JOHN P. CLEVELAND
Attorneys for Defendant
NEW ALBERTSON'S, INC.

DECLARATION OF DANIEL SALEMI

I, Daniel Salemi, declare as follows:

1. I am a licensed pharmacist and currently Vice President, Pharmacy Central Services for SUPERVALU, Inc., which purchased certain assets of Albertsons, Inc. ("Old Albertsons") in 2006. New Albertson's, Inc. ("New Albertsons"), a named defendant in this case, is the wholly owned subsidiary of SUPERVALU which received those Old Albertsons assets. I was previously employed as Vice President, Pharmacy Procurement and Support for Old Albertsons. I make this declaration based on personal knowledge. If called upon as a witness in this action, I could and would state as follows.

2. In my professional capacity, I am generally aware of the nature and extent of New Albertsons' and its predecessor entities' operations in the State of California. New Albertsons owns and continues to operate a number of supermarkets formerly owned by Old Albertsons. Old Albertsons was also the ultimate parent of the corporation which held the Sav-On drugstores in California.

3. Based on facts known to me, the amount in controversy in this action exceeds $5,000,000, exclusive of interest and costs. I base this conclusion on the following facts.

4. The Complaint alleges a class comprised of California residents "who filled a prescription at or by an Albertson's, Sav-On Drug, Osco Drug, or Jewel Osco pharmacy" and whose prescription information was sold or used by a "database mining company." (Compl. ¶ 32). The Complaint further alleges that this class consists of "thousands of members." (*Id.* ¶ 35.)

5. While Albertsons expressly denies any wrongdoing alleged in the Complaint, the number of individuals in the putative class is well over 5,000. In other words, substantially more than 5,000 California residents annually within the past four years filled prescriptions at Old and New Albertsons and/or Sav-On stores in the State of California.

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6. This fact, coupled with the $1,000 penalty that Plaintiff seeks on behalf of each member of the purported class (Compl. ¶ 45), leads to the conclusion that the Complaint seeks damages which exceed $5,000,000 (5,000 x $1,000 = $5,000,000).

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. Executed this 1st day of July, 2008, at Scottsdale, Arizona.

DANIEL SALEMI

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BY ______ DEPUTY

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RAYMOND W. LONDON, on behalf of Himself and All Others Similarly Situated,

Plaintiff,

vs.

NEW ALBERTSONS, INC.; CERBERUS CAPITAL MANAGEMENT (CALIFORNIA), LLC; and DOES 1 through 25, inclusive,

Defendants.

CASE NO.: 08-CV1173 H(CAB)

CERTIFICATE OF SERVICE

Complaint filed: May 29, 2008

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I, Maria Santos, certify and declare as follows:

I am employed in the office of a member of the bar of this court at whose direction the following service was made. I am over the age of 18 and not a party to the within entitled action. My business address is 38 Technology Drive, Suite 100, Irvine, CA 92618-5310.

On July 2, 2008, I served upon the interested party(ies) in this action the foregoing document described as **DEFENDANT NEW ALBERTSON'S, INC.'S JOINDER IN AND CONSENT TO REMOVAL; DECLARATION OF DANIEL SALEMI IN SUPPORT THEREOF** by placing a true copy thereof in the United States Mail, postage prepaid, and addressed as follows:

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I declare under penalty of perjury that the foregoing is true and correct. Executed this 2nd day of July, 2008, at Irvine, California.

[signature]
Maria Santos